ARNULD SCHWARZENEGGER, GOVERNOR JOHN McCAMMAN, Director

5001124

May 24, 2010

Eureka, California 95501

www.dfg.ca.gov

Mr. Darren Tran Water Resources Control Engineer State Water Resources Control Board **Division of Water Rights Permitting Section** 1001 I Street Sacramento CA, 95814

Subject: Initial Study/Mitigated Negative Declaration (IS/MND) for a Master Agreement for Timber Operations (MATO) and a Road Management Waste Discharge Requirement (RMWDR) for Green Diamond Resource Company (Green Diamond): State Clearinghouse # 2010042020

Dear Mr. Tran:

The Department of Fish and Game (Department) has received your May 6, 2010, letter with comments on the subject IS/MND. We appreciate the time and effort you took to review the document and provide written comments.

In your letter, the Division of Water Rights (Division) staff noted the IS/MND indicates the MATO includes water diversion activities although the IS/MND did not describe on what bases would Green Diamond divert water or whether a water right would be required.

Based on the Department's discussion with Green Diamond, its uses of water as described in the IS/MND would be pursuant to valid "riparian rights". Green Diamond stated it is the successor in interest to Simpson Timber Company, which filed statements of use for riparian water diversions exercised on what are now Green Diamond timberlands. Green Diamond also stated it updates and supplements these statements consistent with its beneficial use of water and as required by law.

By copy of this letter with yours attached, the Department is forwarding to Green Diamond the information you provided of Green Diamond's obligation to file water right applications with the Division in the event they wish to appropriate water, their obligation to file a Statement of Water Diversion and Use (Statement), and information on where they can find additional information on water right permits and Statements.



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300 P.O. Box 2000 ♦ Sacramento, California 95812-2000 Fax: 916.341.5400 ♦ www.waterboards.ca.gov/waterrights



MEMORANDUM

TO:

California Department of Fish and Game

c/o William Condon Northern Region 619 Second Street Eureka, CA 95501

FROM:

Darren Tran

Water Resources Control Engineer

Permitting Section

DIVISION OF WATER RIGHTS

DATE:

MAY 0 6 2010

SUBJECT:

COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

FOR MASTER AGREEMENT FOR TIMBER OPERATIONS AND ROAD MANAGEMENT WASTE DISCHARGE REQUIREMENTS FOR GREEN

DIAMOND RESOURCE COMPANY'S NORTHERN CALIFORNIA

TIMBERLANDS, STATE CLEARINGHOUSE # 2010042020

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for Master Agreement for Timber Operations and Road Management Waste Discharge Requirements for Green Diamond Resource Company's Northern California Timberlands (Project). Division staff offers the following comments.

Appendix A of the IS/MND indicates that the Master Agreement for Timber Operations includes a framework for water diverted from streams into pump trucks for the purposes of dust abatement, road maintenance, upgrading, decommissioning and construction or reconstruction, prescribed fuel reduction burning, and herbicide mixing. The IS/MND did not provide sufficient information describing the water drafting and use to identify whether a water right is required for all or a portion of the water diversion associated with the project.

If the project requires a water right permit, the project proponent must file a water right application to appropriate water with the Division, and obtain an approval for the project, before any construction of diversion facilities is commenced or diversion of water is made. In addition, the Division may be a Responsible Agency and must review and consider the final environmental document to support our permitting process. Additional information on water right permits and the permitting process are located on the Division's website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

California Environmental Protection Agency



13-1191914

** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

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PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.) None F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below. I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief. _____, California SIGNATURE: PRINTED NAME: COMPANY NAME: GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA There are two principal types of surface water rights in California. They are riparian and appropriative rights. A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater. An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State. Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators. The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Appropriation of Water in California"

"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"

STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS P.O. Box 2000 Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE INFORMATION SHEET

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STATE WATER RESOURCES CONTROL BOARD **DIVISION OF WATER RIGHTS**

P.O. BOX 2000 SACRAMENTO, CA 95812-2000 (916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

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STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD Division of Water Rights

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STATE OF CALIFORNIA THE RESOURCES AGENCY STATE WATER RIGHTS BOARD



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